

SUMMONS ISSUED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CV 14

6106

X

Index. No.

D. R, an infant, by his Mother and Natural
Guardian, NATASHA RIVERA

Plaintiff,

-against-

COMPLAINT

THE CITY OF NEW YORK,
"JANE AND JOHN DOE"
UNKNOWN NYPD OFFICERS

Defendants.

COGAN, J.

JURY TRIAL
DEMANDED

2014 OCT 17 PM 4:24

FILED
CLERK

INTRODUCTION STATEMENT

1. This is a civil action seeking to redress violations of plaintiff's rights under the Constitution and laws of the United States and the State of New York for defendants' conduct in falsely arresting and imprisoning plaintiff, subjecting him to malicious persecution, and malicious persecution.

JURISDICTION

2. This action is brought pursuant to 42 U.S.C.A. sections 1983 and 1988 and the Equal Protection clause to the United States Constitution. Plaintiff also invokes this Court's supplemental jurisdiction to assert claims under Article I, Section 12 of the New York State Constitution, Section 8 of the New York Civil Rights Law and the State law claims of false charges, malicious persecution and false prosecution.

3. This Court has jurisdiction pursuant to 28 U.S.C.A. Sections 1331 and 1343, since this claim arises under the Constitution and laws of the United States and since defendants acted under color of state law.

VENUE

4. Venue lies in this District pursuant to 28 U.S.C.A. Section 1391(b) (2) since the events giving rise to the claim occurred in the Eastern District of New York.

PARTIES

5. Plaintiff is a resident of Brooklyn, New York. At the time of the event alleged, he resided in the city of Brooklyn in Kings County in the state of New York.

6. Defendant Police Officers are New York Police Officers who are being sued in their individual and official capacities.

FACTUAL ALLEGATIONS

7. On or about May 8, 2012, the Plaintiff went to his brother's school, 96 Seth Low School, on 99 Avenue P, Brooklyn, NY 11204.
8. Plaintiff was then arrested for robbery by NYPD officers.
9. Plaintiff was then put in a line up and picked out of the line-up.
10. The charges against the Plaintiff were false, intentional, reckless and in bad faith and the Defendants had knowledge of the lack of any legitimate cause or justification for the charges.
11. As a result of the conduct of the Defendants, the Plaintiff went to court for a period of thirty days.
12. On August 8, 2012, the prosecution made a determination not to file a petition against the Plaintiff, pursuant to Family Court Act Section 375.1.
13. As a result of this arrest Plaintiff lost his position at the Gifted and Talented School.
14. As a direct and proximate result of the conduct of the Defendants, the Plaintiff had suffered, and continues to suffer mental and emotional distress, injury to health, well-being and feelings.

AS A FIRST CAUSE OF ACTION:

False Arrest Against all Defendants

15. Plaintiff hereby restates paragraphs 1-14 of this Complaint, as though fully set forth below.
16. Defendant NYPD officers violated plaintiff's rights under the Fourth Amendment and 42 U.S.C.A. Section 1983 by falsely arresting him.

AS A SECOND CAUSE OF ACTION:

False Imprisonment

17. Plaintiff hereby restates paragraphs 1-16 of this Complaint, as though fully set forth below.

18. Defendants The City of New York through their agents, and defendant NYPD officers violated plaintiff's rights under the Fourth Amendment and 42 U.S.C.A. Section 1983 by falsely imprisoning him.

AS A THIRD CAUSE OF ACTION:
Malicious Prosecution

19. Plaintiff hereby restates paragraphs 1-18 of this Complaint, as though fully set forth below.
20. Defendants The City of New York through their agents, and defendant NYPD officers violated plaintiff's rights under the Fourth Amendment and 42 U.S.C.A. section 1983 by maliciously prosecuting him

WHEREFORE, Plaintiff respectfully requests judgment against the Defendants as follows:

- a. On the First Cause of Action against all Defendants, compensatory and punitive damages in an amount to be determined at trial, and reasonable attorneys' fees and costs;
- b. On the Second Cause of Action against all Defendants, compensatory and punitive damages in an amount to be determined at trial, and reasonable attorneys' fees and costs;
- c. On the Third Cause of Action against all Defendants, compensatory and punitive damages in an amount to be determined at trial, and reasonable attorneys' fees and costs; and
- d. Such other and further relief as may be just and proper.

Dated: Brooklyn, New York
October 17, 2014

Respectfully submitted,



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